

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RAIQUAN K. FALLS,

Petitioner,

-against-

ANTHONY J. ANNUCCI; CARL E.  
DUBOIS; JUDE T. MARTINI,

Respondents.

22-CV-8055 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Petitioner, who is proceeding *pro se* and detained at Orange County Jail, initiated this action by filing a petition for a writ of *habeas corpus*, brought under New York's Civil Practice Law & Rules § 7002, and captioned for the New York Supreme Court, Appellate Division, Second Department. Petitioner requested immediate release from state custody.

By order dated November 4, 2022, the Court issued an order recharacterizing the petition as brought under 28 U.S.C. § 2241 because Petitioner challenged his detention. The Court informed Petitioner that he had 30 days to inform the Court whether he intended to withdraw the petition; in the event Petitioner intended to pursue Section 2241 relief, the Court granted him 60 days to file an amended petition to allege facts showing that he exhausted his state-court remedies. Petitioner did not respond to the November 4, 2022, order, and on January 19, 2023, the Court dismissed the action.

On January 31, 2023, the Court received from Petitioner a second petition brought under § 7002, and captioned for the New York Supreme Court, Orange County. This petition, similar to the first petition filed in this action, does not state any facts suggesting that Petitioner has exhausted his state-court remedies. Accordingly, the Court declines to construe Petitioner's second petition as including a motion to reopen this action, as it would be futile to do so.

**CONCLUSION**

The Court declines to construe Petitioner's second petition (ECF 9), as including a motion to reopen, as it would be futile to do so.

This action remains closed.

SO ORDERED.

Dated: April 18, 2023  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge